

Notice of Allowability

Application No.

09/982,749

Examiner

Rob Wu

Applicant(s)

ASAUCHI ET AL.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed March 19, 2007.
2. ☒ The allowed claim(s) is/are 23-26,30 and 32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 23-26, 28, 30 and 32 are allowed over the prior of record.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is U.S. Pat No. 6,798,997 to Hayward et al and U.S. Pat No. U.S. Pat No. 5,657,678 to Cohen.

Hayward et al teach a supply ordering system for automatically ordering consumables or replaceable part in a marking machine. Hayward et al teach sensors and software system that electronically senses a condition of a consumable such as when a consumable has been exhausted or a consumable has reach a predetermined threshold. Once the condition has been met the software system initiates the purchase process for ordering a replacement consumable.

Cohen teach recycling of printer cartridges wherein the price for a new printer cartridge is lower if the old cartridge is turned in for recycling.

Asauchi et al claim a method for supplying a new expendable comprising the steps of:

Accepting information related to the expendable

Determining a price of the new expendable on condition that the expendable container possessed by the user is returned.

Accepting and supplying the new expendable.

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Wherein the expendable-related information further includes information indicative of a remaining amount of expendable remaining in the expendable container and unsealing date information indicative of an unsealing date of the expendable; and

The step of displaying the price of the expendable to the consumer includes the steps of:

Selecting at least one new expendable from a plurality of types of expendables of different volume based on the remaining amount information; and

Displaying the selected new expendable as a recommended expendable.

As per claims 23 and 30, the closest prior art of record taken either individually or in combination with each other fails to teach or suggest providing an unsealing date of the expendable as part of the expendable-related information. The closest prior art of record also does not teach selecting an expendable container of different volume based on the remaining amount information. The purpose, as disclosed by the applicant, of selecting an expendable container of different volume is to avoid excessive waste. If a user's ink cartridge contains a significant amount of remaining ink that is past expiration date, an ink cartridge having smaller ink capacity can be selected as the recommended cartridge. Claims 24-26 and 28 depend from claim 23 and have all of the limitations of claim 23 and are allowable for the same reason. Claim 32 depends from claim 30 and has all of the limitations of claim 30 and is allowable for the same reason.

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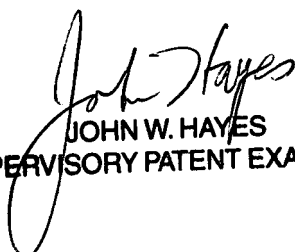
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Wu whose telephone number is (571)272-3136. The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JOHN W. HAYES
SUPERVISORY PATENT EXAMINER